## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Frederick Jamison,	) C/A No. 3:04-601-CMC-JRM
Plaintiff,	)
v.	) OPINION AND ORDER
Commissioner of Social Security,	)
Defendant.	)
	)

Plaintiff filed a complaint seeking judicial review of the final decision of the Commissioner denying his claim for disability benefits pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g). The matter is currently before the court for review of the Report and Recommendation of Magistrate Judge Joseph R. McCrorey made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a) D.S.C.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation to which a specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, \_\_F.3d \_\_, 2005 WL 1713188, at \*3 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the

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recommendation." (quoting Fed. R. Civ. P. 72 advisory committee's note).

The United States Magistrate Judge has filed his Report and Recommendation, in which he concludes that the Administrative Law Judge's findings are not supported by substantial evidence and recommends that the action be **remanded** to the Commissioner for further proceedings as set forth in the Report and Recommendation. No objections to the Report and Recommendation have been filed and the time for doing so has expired.

After reviewing the record, the applicable law, the briefs of counsel and the findings and recommendations of the Magistrate Judge, the court finds no clear error and hereby adopts the Report of the Magistrate Judge, which is incorporated into this order.

Therefore, the Commissioner's decision is **reversed** pursuant to sentence four of 42 U.S.C. § 405(g) and the case is *remanded* to the Commissioner for further proceedings as set forth in the Report and Recommendation.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina August 29, 2005

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